

1/18/69

Dear Paul,

The night has been a very short one, yesterday so very long for me. I had planned to phone you last night, but once I got home my phone stayed busy until almost 11. By then it would have been too much to go through all if it yet another time.

What really happened in New Orleans is right now not really clear. I have contradictory reports. I do not know for sure whether Garrison was involved. I feel he at least knew. I am also of the feeling it was neither right nor warranted. Charlie Ward seems to be very much part of it. And it is anything but a reflection of what really happened in Washington, where everything was more our way than anyone not there will ever be able to believe. Charlie Ward called Numa Bertel in court, on the clerk's phone, in the midst of things, and kept telling him things while Numa protested he was in court, in the middle of arguments, etc. But it is clear that the call changed Numa and what he had agreed to say and do. If there had not been that call there now would be nothing but an unreparable humptydumpty of a Warren Report. We were that close to its total destruction.

As it denied me sleep, so this early morning I cannot bear to relive it. I tell you only that the judge was entirely our way, did not rule against Garrison, did take jurisdiction, did indicate the "contract" was illegal, that he would, on a showing of materiality, send the pictures and X-rays to New Orleans, etc. He was better backgrounded and prepared than both opposing lawyers and there were many from the Department of Justice, which was greatly and obviously worried by the proceeding. I now know why. He had really done his homework. He tried in every way he could to lead Numa into what he felt the law required. I am in agreement with his position, believe he was very good, fair and really sought to reach a proper decision. When New Orleans made a shambles of what could have been our greatest day, and when I tried three times at lunch recess to speak to them by phone and could not, on returning to court I asked and was denied the right to be recognized as a "friend of the court" to show that the court had been deceived, imposed upon and misled by the government. The judge ruled I had no standing in his court. I do not contest his ruling. However, I did make this record in the transcript.

I tell you merely this: the special report the AG had made is not at all what it is represented as being. Please do not spread what it really is around, but do tell Jim and Hal and the Whites. As soon as I can clean up the mess of the enormity already withdrawn from the files for the trip that I cancelled as soon as I left the courtroom and copy the rather large stack of documents Gary got I will return to POST MORTEM. Now I know how really right I am, that it is the most significant book, as Vince evaluated it. I will now add what must be, as soon as possible.

Briefly, this is what I gleaned from a too-hasty scanning outside the courtroom. I will have and will send copies. Although they say they do, this panel (also lacking forensic qualifications) does not support either the report or the autopsy. The government had to be desperate to pull this one. They destroy the autopsy, make specific that I was right in saying the path of the allegedly nonfatal bullet was never traced through the body, read in the X-rays what is not, to my best recollection, in either the autopsy report or the Report - lead in the body, fragments, in the chest - and felt they had to itemize what they were given to study. They were denied all the Connally medical

evidence. When you and Gary get the copies I will send, I'd appreciate any comments you'd care to make, particularly on the evidence they did not consider and your concept of its need and significance. I am going to have to find time to make the additions to that book and find some way of getting it out, where the contents can be available.

It probably never was necessary to alter the head X-rays anyway. I doubt those of the body have been, from the above. However, on the pictures it is different. There is not a single one of the front non-fatal wound. This cannot be accident. Matt Herron is satisfied the two batches of film could not have failed to show no image at all. I will study this part closely when I get the copy that was supposed to have been mailed me last night.

What Clerk has done in convoking this junior-grade Warren Commission is to affirm the existence of an investigation of the JFK assassination, which hardly affirms the Report, or violate the "contract". Incidentally, in my emergency preparations for the hearing, after learning what the D.J. was up to only 11 the night before, I did find the proof that the contract is illegal in ordinary, civilian law as I already had it for military and for the purposes of the regulations. The judge indicated he would so rule. He did refuse to honor the D.J. pleading of contractual privilege.

Well, I never, in my wildest optimism, dreamed we would have the opportunity we had yesterday, it was that close to a total, legal ruin of this evil Report. It also is as though there was someone in the courtroom who knew the precise moment to get in touch with the right person in the office in New Orleans, for him to control Numa. What he blew into the morning was so painful that Fensterwald was not going to return to court in the afternoon. He said he could not bear it. I persuaded him to. He was really very good in all of this. It is he who learned of what the D.J. had done, phoned me to tell me to pack Numa and our toothbrushes and get down there, then got the whole kit by the time we got there, a little before 11. He got it from the judge! The judge was outraged at what the D.J. had done. They never did give Numa a copy of their papers! They promised me a set after lunch, then did not have them. In phoning the press office for a copy on the way home I learned this was turned out on an emergency basis, with the pr staff working at night to do it, rather unusual with a year to decide. I believe they got wind that the judge was not pre-disposed toward them. He was impressed with the misrepresentation and what he did not understand. It did work for them. It would have boomeranged had Numa, as agreed, put me on, for the press buildup was great, as was their attendance. They delivered us the audience!

Perhaps the New Orleans situation will soon clear. As of this moment, I doubt I will return there. I cannot live there and I cannot prevent these things they do from the distance. I will help in any possible way, but I must now return, on an urgent basis, to the work I had laid aside to do this. I have already told them I cannot work with them on the current basis. I begin it very, very weary. I will not soon forget yesterday and what it could and should have been. I have not been able even to indicate the possibilities that in the existing context were probabilities. I will keep you posted.

Trent Gough phoned me last night. He also told me Lemarre had offered him a copy of the Z film and told him he had copies of some of the autopsy pix! ?

Sincerely,

Harold Weisberg